

# **Arizona Board of Fingerprinting 2007 Report on Good Cause Exception Application Caseload and Approvals**

## **SECTION ONE – INTRODUCTION AND METHODOLOGY**

Arizona Session Laws 2005 (First Regular Session), Chapter 246, Section 5, established a reporting requirement for the Arizona Board of Fingerprinting (“Board”). Each year, on or before December 1, the Board is required to report the number of good cause exception applications received and granted between October 1 and September 30. The report must break these data down according to the programs listed in A.R.S. § 41–619.51(6). Each program listing must also include a list of the offenses in A.R.S. § 41–1758.03(B) and (C) for which an applicant submitted a good cause exception application and the Board granted a good cause exception.

The report that follows complies with the legislative requirements. However, the reader is strongly encouraged to read the methodology section below. Without reading this section, the reader might draw conclusions that are not warranted by the data.

### **Methodology**

This report draws on two data sets: (1) good cause exception applications received between October 1, 2006, and September 30, 2007; and (2) good cause exceptions resolved between October 1, 2006, and September 30, 2007. These two sets of data are not coextensive, although there may be some overlap among the cases. Some of the applications received in the relevant time period may not have been concluded by September 30, 2007, and some of the applications concluded in the time period may have been received prior to October 1, 2006.

There are 22 statutory programs for which individuals need fingerprint clearance cards, as described in Table 1 on the next page.

**Table 1**  
**Statutory Programs Grouped by Types of Work**

Program Group	Statutory Program	Agency *
<b>Child day care or child nutrition</b>	41–1964, 46–141	Econ. Sec.
	46–321	Education
	36–897.01, –897.03	Health Svcs.
	36–882, –883.02	Health Svcs.
<b>Child care home provider</b>	41–1967.01	Econ. Sec.
<b>Child welfare and adolescent behavior health treatment</b>	8–322	Supr. Crt.
	46–141	Econ. Sec.
	36–425.03	Health Svcs.
	41–2814	Juv. Corr.
<b>Child Protective Services employment</b>	8–802	Econ. Sec.
<b>Individuals with developmental disabilities</b>	36–594.01	Econ. Sec.
<b>Domestic violence and homeless shelters</b>	36–3008, 46–141	Econ. Sec.
<b>Residential or nursing care institutions and home health agencies</b>	36–411	Health Svcs.
<b>Teacher certification</b>	15–534	Education
<b>Charter school employment</b>	15–183	Education
<b>JOBS/JTPA</b>	46–141	Econ. Sec.
<b>Exceptional Student Services</b>	15–763.01	Econ. Sec.

\* The state agency listed is the agency that provides funding or regulates the program. The Department of Education, as referred to here, includes the State Board of Education and the Board of Charter Schools.

When a person applies for a fingerprint clearance card, he or she normally applies under one or more of the programs listed in A.R.S. § 41–1758(5).<sup>1</sup> Since the person can apply for a fingerprint clearance card (and later, a good cause exception) under more than one program, separate listings under two programs may actually pertain to the same application. For example, John Smith might apply for a fingerprint clearance card under the programs for teacher certification and charter school employment. A.R.S. § 41–619.54(D) (“the reporting statute”) requires the Board to list applications received and granted, broken down by the programs under which individuals applied for a good cause exception. In the case of John Smith’s fingerprint-clearance-card application, this report would list him once under the program for teacher certification and once under the program for charter school employment. Readers should be aware that aggregating the totals under each program will not yield the total number of applications received. In the example of John Smith, aggregating the totals under each program would make it appear as though John Smith had two applications—one for teacher certification and one for charter school employment.

<sup>1</sup> This list of programs is identical to the list in A.R.S. § 41–619.51(6) and is represented in Table 1.

**Table 2**  
**Illustration of Applicants Selecting Multiple Programs for One Application**

<b>Applicant</b>	<b>Day Care</b>	<b>Teacher Certification</b>	<b>Charter School Employment</b>	<b>Total</b>
John Smith	X	X		<b>2</b>
Jane Roberts		X	X	<b>2</b>
Jack Walters	X	X		<b>2</b>
<b>Total</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>6</b>

Table 2 above illustrates how a single application may appear under multiple programs. If the reader were to add up the total number of applications under each program, he or she would get a sum that is higher than the actual number of applications. In Table 2, adding up the total number of applications under each program would give a sum of six applications, when in fact there are only three applications. Readers should be cautious not to treat the totals under each program as totals of discrete applications.

The reporting statute requires the Board to provide data on the offenses for which there were good-cause-exception applications submitted and received. The term “offense,” in the context of criminal law, entails a conviction. However, the denial or suspension of a fingerprint clearance card may be based on an arrest, which ultimately may not yield a conviction.<sup>2</sup> When the denial or suspension of a fingerprint clearance card is based on an arrest, the final disposition of the arrest may not be known. In many cases, documentary evidence is not available because of the length of time that has elapsed since the arrest took place, coupled with courts’ limited schedule for retaining records. Law enforcement agencies and courts do not always report data to the Department of Public Safety as required, so disposition information may not be available. Also, applicants themselves may not remember the disposition of the arrest, particularly when they have extensive criminal records, arrests that took place many years ago, or backgrounds of substance abuse. For the purpose of this report, when the disposition of an arrest is not known, the arrest is excluded from the data because it is not clear whether an offense occurred. The alternative would have been to include charges where an offense did not occur.

The reporting statute requires the Board to report on the offenses listed in A.R.S. § 41–1758.03(B) and (C). However, individuals who commit offenses listed in subsection B are necessarily prevented from receiving a good cause exception. Therefore, there are no data to report on offenses listed in subsection B.

<sup>2</sup> See A.R.S. § 41–1758.03(L) (“The division [i.e., the fingerprinting division of the Department of Public Safety] shall not issue a fingerprint clearance card to a person if the division cannot determine, within thirty business days after receipt of the person’s state and federal criminal history record information, whether the person is awaiting trial on or has been convicted of committing any of the offenses listed in subsection B or C of this section. If the division is unable to make the determination required by this section and does not issue a fingerprint clearance card to a person, the person may request a good cause exception pursuant to section 41–619.55”) and A.R.S. § 41–1758.04(C) (“The division shall suspend the fingerprint clearance card of a person who is arrested for an offense listed in section 41–1758.03, subsection B or C”).

## SECTION TWO – DATA

1. The reporting statute requires the Board to indicate the number of good cause exception applications it received. The Board received 1,922 applications.
2. The reporting statute requires the Board to indicate that number of good cause exceptions granted. Table 3 below shows the disposition of applications closed.

<b>Table 3</b> <b>Disposition of Applications Closed</b>	
<b>Disposition</b>	<b>Number of Applications</b>
Denial	159
Approval	1,463
DPS issuance *	95
Ineligible	2
Applicant withdrew	335
<b>Total</b>	<b>2,054</b>

\* In some cases, based on information it received subsequent to the denial or suspension of a fingerprint clearance card, DPS is able to issue the card without the applicant having to receive a good cause exception.

3. The reporting statute requires the Board to provide the number of applications received, broken down by the programs listed in A.R.S. § 41–619.51(6). Table 4 on the next page shows the number of applications, broken down by groups of programs.

**Table 4**  
**Number of Applications Received by Program Group**

<b>Program Group</b>	<b>Statutory Program</b>	<b>No. Apps. Rec'd</b>
<b>Child day care or child nutrition</b>	41-1964, 46-141	77
	46-321	69
	36-897.01, -897.03	210
	36-882, -883.02	210
<b>Child care home provider</b>	41-1967.01	48
<b>Child welfare and adolescent behavior health treatment</b>	8-322	201
	46-141	211
	36-425.03	194
	41-2814	248
<b>Child Protective Services employment</b>	8-802	39
<b>Individuals with developmental disabilities</b>	36-594.01	234
<b>Domestic violence and homeless shelters</b>	36-3008, 46-141	50
<b>Residential or nursing care institutions and home health agencies</b>	36-411	514
<b>Teacher certification</b>	15-534	351
<b>Charter school employment</b>	15-183	90
<b>JOBS/JTPA</b>	46-141	16
<b>Exceptional Student Services</b>	15-763.01	19

\* The state agency listed is the agency that provides funding or regulates the program. The Department of Education, as referred to here, includes the State Board of Education and the Board of Charter Schools.

4. The reporting statute requires the Board to provide the number of applications granted, broken down by the programs listed in A.R.S. § 41-619.51(6). Table 5 on the next two pages indicates the disposition of applications closed.

**Table 5**  
**Dispositions of Applications by Program Group**

Program Group	Statutory Program	Disposition	No. Apps
Child day care or child nutrition	41-1964, 46-141	Denial	12
		Approval	53
		DPS issuance	4
		Ineligible	0
		Applicant withdrew	19
	46-321	Denial	11
		Approval	64
		DPS issuance	4
		Ineligible	0
		Applicant withdrew	8
	36-897.01, -897.03	Denial	20
		Approval	164
		DPS issuance	7
		Ineligible	0
		Applicant withdrew	36
	36-882, -883.02	Denial	20
		Approval	164
		DPS issuance	7
		Ineligible	0
		Applicant withdrew	36
Child care home provider	41-1967.01	Denial	8
		Approval	45
		DPS issuance	0
		Ineligible	0
		Applicant withdrew	12
Child welfare and adolescent behavior health treatment	8-322	Denial	27
		Approval	199
		DPS issuance	10
		Ineligible	0
		Applicant withdrew	36
	46-141	Denial	24
		Approval	160
		DPS issuance	9
		Ineligible	0
		Applicant withdrew	36
	36-425.03	Denial	23
		Approval	144
		DPS issuance	8
		Ineligible	0
		Applicant withdrew	32
	41-2814	Denial	23
		Approval	144
		DPS issuance	8
		Ineligible	0
		Applicant withdrew	32

Table 5 (continued) Number of Applications Received by Program Group			
<b>Child Protective Services employment</b>	8–802	Denial	2
		Approval	32
		DPS issuance	2
		Ineligible	0
		Applicant withdrew	6
<b>Individuals with developmental disabilities</b>	36–594.01	Denial	16
		Approval	178
		DPS issuance	8
		Ineligible	0
		Applicant withdrew	45
<b>Domestic violence and homeless shelters</b>	36–3008, 46–141	Denial	5
		Approval	50
		DPS issuance	2
		Ineligible	0
		Applicant withdrew	7
<b>Residential or nursing care institutions and home health agencies</b>	36–411	Denial	42
		Approval	385
		DPS issuance	17
		Ineligible	0
		Applicant withdrew	91
<b>Teacher certification</b>	15–534	Denial	29
		Approval	309
		DPS issuance	25
		Ineligible	0
		Applicant withdrew	34
<b>Charter school employment</b>	15–183	Denial	15
		Approval	66
		DPS issuance	3
		Ineligible	0
		Applicant withdrew	13
<b>JOBS/JTPA</b>	46–141	Denial	0
		Approval	10
		DPS issuance	1
		Ineligible	0
		Applicant withdrew	1
<b>Exceptional Student Services</b>	15–763.01	Denial	1
		Approval	18
		DPS issuance	1
		Ineligible	0
		Applicant withdrew	1

\* The state agency listed is the agency that provides funding or regulates the program. The Department of Education, as referred to here, includes the State Board of Education and the Board of Charter Schools.

5. The reporting statute requires the Board to indicate the offenses where an individual applied for and, additionally, received a good cause exception. Table 6 below lists the offenses, with an indication of whether or not the Board granted someone who committed that offense a good cause exception.

**Table 6**  
**Offenses from Good Cause Exception Applications**

Offense	Clearance Card Statute	Good Cause Exception Granted
Manslaughter	41-1753.03(C)(1)	X
Endangerment	41-1753.03(C)(2)	X
Threatening or intimidating	41-1753.03(C)(3)	X
Assault	41-1753.03(C)(4)	X
Assault by vicious animals	41-1753.03(C)(6)	X
Assaults on officers or firefighters	41-1753.03(C)(8)	X
Indecent exposure	41-1753.03(C)(10)	X
Public sexual indecency	41-1753.03(C)(11)	X
Theft	41-1753.03(C)(13)	X
Shoplifting	41-1753.03(C)(15)	X
Forgery	41-1753.03(C)(16)	X
Criminal possession of a forgery device	41-1753.03(C)(17)	X
Criminal impersonation	41-1753.03(C)(19)	
Fraudulent use of a credit card	41-1753.03(C)(23)	X
Misconduct involving weapons	41-1753.03(C)(28)	X
Concealed weapon violation	41-1753.03(C)(32)	X
Pandering	41-1753.03(C)(33)	X
Possession, use, or sale of marijuana, dangerous drugs, or narcotic drugs	41-1753.03(C)(36)	X
A criminal offense involving criminal trespass and burglary under title 13, chapter 15	41-1753.03(C)(45)	X
A criminal offense under title 13, chapter 23	41-1753.03(C)(46)	X
Child neglect	41-1753.03(C)(47)	X
Misdemeanor offenses involving contributing to the delinquency of a minor	41-1753.03(C)(48)	X
Offenses involving domestic violence	41-1753.03(C)(49)	X
Arson	41-1753.03(C)(50)	X
Kidnapping	41-1753.03(C)(51)	
Felony offenses involving sale, distribution [etc] marijuana, dangerous drugs or narcotic drugs	41-1753.03(C)(53)	X
Robbery	41-1753.03(C)(53)	X
Aggravated assault	41-1753.03(C)(54)	X
Criminal damage	41-1753.03(C)(57)	X
Prostitution	41-1753.03(C)(63)	X
Welfare fraud	41-1753.03(C)(65)	X